

To: The Honorable Mayor and City Council

From: Tanya Wilson Sejour, Interim Planning Manager



Date: October 22, 2013

Re: Small Scale Land Use Plan Amendment – Causeway Village

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE AND LOCATED AT 1850 NORTHEAST 123RD STREET, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED USE HIGH LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT PROPERTY SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Mayor & Council approve the proposed ordinance to amend the Comprehensive Plan, Future Land Use Map (FLUM) for the subject site, from Commercial to Mixed use High land use in accordance with Section 3-1105.

PLANNING COMMISSION RECOMMENDATION

At its meeting on July 2, 2013 the Planning Commission (attended by Commissioners James, Each, Ernst, and Siefried) reviewed and discussed the ordinance to allow the proposed land use change on the subject site. The applicant's agent (Mickey Marrero provided an overview of the proposed project and outlined the intent of the request for a land use plan amendment. Given the fact that many of the neighbors had concerns with the Causeway Square development (built by the same developer) on the North side of NE 123 St, during the public hearing several neighbors urged the City to put safeguards in place to ensure the project is built to a high standard and does not adversely affect the surrounding neighborhood in terms of drainage and traffic. Staff explained that based on the traffic analysis the proposed mixed use is anticipated to generate less traffic than the existing commercial use. Also, with regard to the drainage concerns, the developer will be required to submit site plans which must comply with the City's drainage requirements. Based on the information provided, the Planning Commission had no objection to the proposed request, and rendered a unanimous approval of 4-0. The motion to approve was made by Commissioner Each and seconded by Commissioner James.

BACKGROUND

The subject site, consisting of 4.24 acres in size is a vacant parcel located at 1850 NE 123 Street, currently designated on the City's Future Land Use Map (FLUM) as Commercial land use. The property owner (Causeway Village LLC) has filed an application for a Small Scale Land Use Plan (Map) Amendment, for a change in designation from Commercial to Mixed Use High land use, in order to redevelop the vacant site and create the first residential/retail mixed use complex along the NE 123 Street corridor.

To that end, the City's Comprehensive plan encourages mixed use along major corridors such as NE 123 Street. The applicant proposes to construct a mixed use complex to include market rate multifamily units, with ground floor retail/office use.

Partial Land Use Map



ANALYSIS

Per Article 3, Section 3-1105 of the City's Land Development Regulations all requests for amendments to the City's Comprehensive Plan (Future Land Use Map) must satisfy the following minimum criteria:

1. Whether the application specifically advances any goal, objective or policy of the Comprehensive Plan:

The proposed application is consistent with the goals, objectives and policies of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations

that encourage the retention, attraction and expansion of business and industry". Additionally policy 9.4.2 requires that the City "Introduce employment generating uses along major transportation corridors. Ensuring that employment generating land uses is compatible with neighborhood character through revisions in development regulations and permit review requirements."

The City's current unemployment rate is 9.4 percent, slightly higher than the State of Florida's unemployment rate of 7.2 percent. In an effort to create local jobs and reduce the unemployment rate, the City must support land use types which allow for the creation of quality new businesses that serve as catalysts for economic development and increase the City's tax base. The proposed request would allow for the development of a mixture of both retail/office and residential uses along a major city corridor with proximity to Interstate 95, Biscayne Boulevard and Broad Causeway.

b. Its effect on the level of service of public infrastructure;

Traffic

The subject site is located on NE 123 Street, which is classified as a State owned (FDOT) minor arterial road. The City's Transportation Master Plan indicates that the roadway segment that will provide primary access to the property (NE 123 Street) is operating at a level of service (LOS) B. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above a LOS standard E. Additionally, the city of North Miami is designated as a Transportation Concurrency Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage.

The applicant provided a traffic analysis prepared by *Traf Tech Engineering* dated June 24th 2013 which indicates that the current Commercial zoning could generate approximately 3470 daily trips compared to 2330 total daily trips under the mixed use zoning district. As such the proposed mixed-use development is anticipated to generate approximately 1,140 less daily trips, approximately 53 new AM peak hour trips, and approximately 92 less trips during the typical afternoon peak period, when compared against the allowable development under the existing Commercial zoning designation. Given the foregoing, staff believes that the proposed land use change is not anticipated to diminish the LOS along NE 123 to a level below the minimum required.

Water & Sewer Impact

The development is currently serviced by the Winson Water Treatment Plant. Based on the City's recently adopted Water Supply Plan, the Plant has an average capacity of 9.3 million gallons per day (MGD) and a current demand of approximately 15.77 MGD, resulting in a shortfall of 6.47 MGD which is satisfied by water purchased from Miami Dade County at a rate of 9.3 MGD (resulting in a total water supplied to North Miami's service area at the rate of 19.3 MGD). Leaving the City with a surplus of 3.53 MGD.

Based on Policy 4D.2.6 of the Comprehensive Plan in order to measure the impact of rezoning or land use changes on potable water facilities, the following standard generation rates shown in **Table 1** below shall be utilized:

Table 1

- | |
|---|
| <ol style="list-style-type: none">1. Single family detached dwelling: 350 gallons per day.2. Single-family attached dwelling: 300 gallons per day3. Multi-family dwelling unit: 425 gallons per acre per day plus:<ul style="list-style-type: none">▪ Each one bedroom unit: 85 gallons per day per unit▪ Each two bedroom unit: 125 gallons per day per unit▪ Each three bedroom unit: 165 gallons per day per unit▪ Each four or more bedroom unit: 205 gallons per day per unit▪ When the bedroom mix is unknown, the three-bedroom generation rate shall be utilized.4. Commercial and nonresidential Community Facility uses: 10 gallons per 100 sf of GFA per day5. Industrial uses: 10 gallons per 100 sf of GFA per day |
|---|

Based on the existing Future Land Use designation, the owner is currently allowed to build a commercial project as of right. However, the proposed application seeks to amend the current land use to Mixed Use High (up to 45 dwelling units per acre) in order to build 10,000 square feet of retail and up to 191 residential multifamily units. Based on the foregoing the project is anticipated to consume approximately 34,317 gallons per day (33,317 gallons from the residential units plus 1000 gallons from the proposed 10,000 square footage of retail/office space).

Policy A.2.1 of the Comprehensive Plan requires that all development approvals require developers to upgrade the capacity of the existing sewer system or build new system to meet the needs of the proposed development. Based on our analysis staff believes the City has sufficient water and sewer capacity to accommodate the proposed mixed use development and will not cause a decline in the established LOS.

c. its effect on environmental resources;

The proposed land use plan amendment is not anticipated to have adverse impacts on the City's environmental resources. Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. If approved, the applicant is required to construct an environmentally sustainable building with energy saving fixtures to minimize the water and electric consumption of the future development.

d. its effect on hurricane evacuation;

Policy 5A.3.1 of the Comprehensive Plan requires that the City "review of development proposals within the coastal planning area shall consider vehicular accessibility and internal circulation patterns to minimize the

time required to evacuate the coastal planning area. Staff has determined that the subject site is located in the Coastal Planning area as such if the application is approved the proposed development must comply with the requirements of Policy 5A.3.1.

e. Its effect on the availability of housing that is affordable to people who work in the City of North Miami; and

The applicant has indicated that the residential portion will be market rate units. Its important to note that the City's overall housing stock is very old with over 44% of the current housing stock being over 60 years old. Only 3% of the City's total housing units were built since the year 2000. Staff believes the availability of new housing units provide both a fiscal and quality of life benefits to the City.

f. Any other effect that City staff determines is relevant to the City Council's decision on the application;

To ensure further compatibility with the surrounding neighborhood, the applicant agrees to record a declaration of restrictive covenant to limit the height of the development not to exceed 75 feet. It is staff's opinion that the agreed height restriction will render the use compatible with the built environment.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed land use amendment is consistent with the requirements of Chapter 163, F.S. and is in keeping with the goals objectives and policies of the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department **requests that the City Council approves the attached ordinance amending the Comprehensive Plan (Future Land Use Map) of the subject property from Commercial to Mixed Use High land use subject to the following conditions:**

1. The applicant shall submit a draft declaration of restrictive covenant containing the restriction as outlined in subsection (f) above, to the office of the City Attorney at least 30 days from final Council approval date for review prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with Miami Dade County.
2. The applicant shall consolidate the subject lot with the abandoned alleyway running across the City by use of a unity of title. Said document shall be submitted to the office of the City Attorney for approval prior to final recordation. The applicant will also furnish a copy of the recorded document to the Director of Community Planning & Development once the instrument has been recorded with Miami Dade County.

3. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator in order to submit plans for Development Review Committee (DRC) review.

TS/mc

- Attachments:
1. Proposed Ordinance
 2. Location Map & Site Survey
 3. Land Use Map
 4. Letter of intent
 5. Traffic Analysis

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE AND LOCATED AT 1850 NORTHEAST 123RD STREET, FROM COMMERCIAL LAND USE DESIGNATION TO MIXED USE HIGH LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT PROPERTY SITE, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed and adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami (“City”) to adopt and enforce a comprehensive plan; and

WHEREAS, Section 163.3187(1), Florida Statutes, allows local governments to periodically make small scale land use amendments to their comprehensive plan future land use map, if the proposed amendment: (a) does not exceed 10 acres, (b) the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres, (c) the proposed amendment does not involve a text change to the goals, policies, and objectives of the comprehensive plan, and (d) the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

WHEREAS, the subject property, consisting of approximately 4.24 acres in size and located at 1850 Northeast 123rd Street (“Subject Property”), is currently designated on the City Comprehensive Plan (“Comprehensive Plan”) Future Land Use Map as Commercial land use; and

WHEREAS, Causeway Village, LLC, the owner of the Subject Property, filed an application for a Small Scale Land Use Plan amendment to change the use of the Subject Property from Commercial land use to Mixed Use High land use, in order to redevelop the

vacant site and create the first residential/retail mixed use complex along a major City corridor; and

WHEREAS, Policy 9.4.6 of the Comprehensive Plan, requires the City to “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, Policy 9.4.2 of the Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating land uses are compatible with the character of the neighborhood, through revisions in development regulations and permit review requirements; and

WHEREAS, the proposed Small Scale Land Use Plan amendment is consistent with the Comprehensive Plan which encourages mixed use along major corridors and promotes redevelopment that enhances the public health, safety and welfare of the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 2, 2013, found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended approval of the Small Scale Land Use Plan amendment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Subject Property. The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Commercial to Mixed Use High Density Residential land use designation.

Section 2. Authority of City Manager. The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. Effective Date. This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____	(Yes)	_____	(No)
Vice Mayor Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Carol Keys, Esq.	_____	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.